

The Salisbury Planning Board held its regular meeting on Tuesday, June 25, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Jerry Wilkes, Eldridge Williams, Rodney Queen, Sean Reid, Fred Dula, Elaine Stiller, Lou Manning, Jeff Smith

ABSENT: Len Clark, Brian Miller, Ken Mowery, Sandy Reitz

STAFF: Harold Poole, Patrick Kennerly, Dan Mikkelson, Hubert Furr, Janice Hartis

The meeting was called to order by Chairman Dula. The minutes of June 11, 2002, were approved as published.

GROUP DEVELOPMENTS

G-1-87 Winn-Dixie Store #2032, 710 Jake Alexander Blvd. West

An application has been submitted for the addition of additional parking and connection to the adjacent Salisbury YMCA for the existing Winn-Dixie store. The Technical Review Committee recommends approval. On a motion by Rodney Queen, seconded by Jeff Smith, with all members voting AYE, the site plan was recommended to City Council for approval.

G-2-02 Royal Homes Construction & Development, 200 block Sunset Drive

A revised site plan for this previously approved complex has been submitted showing a new alleyway. The Technical Review Committee recommends approval. On a motion by Rodney Queen, seconded by Lou Manning, with all members voting AYE, the site plan was recommended to City Council for approval.

G-9-02 North Main Baptist Church, 1501 North Main Street

An application has been submitted for the addition of a 7,459 square foot fellowship hall and 26 additional parking spaces. The Technical Review Committee recommends approval. On a motion by Sean Reid, seconded by Rodney Queen, with all members voting AYE, the site plan was recommended to City Council for approval.

G-10-02 Harold B. Jarrett American Legion Post 342, 1024 Lincolnton Road

An application has been submitted for the addition of 36 parking spaces and revisions to the existing parking lot. The Technical Review Committee recommends approval with the condition that the dumpster be screened. On a motion by Jeff Smith, seconded by Lou Manning, with all members voting AYE, the site plan was recommended to City Council for approval subject to the dumpster being screened.

COMMITTEE REPORTS

Park Avenue Study Committee – Phase 3 (along and near 700 block of East Council Street) – Sean Reid reported for the committee. Opposition by business owners was expressed at the June 11 courtesy hearing for the committee's recommendation to rezone several pieces of property in

the 600 block of East Council Street from B-6 General Business to R-6 Two Family Residential and B-1 Office Institutional. That portion of the committee's recommendation was sent back to the Park Avenue Study Committee for further study. The committee met again, along with the business owners in the subject property who objected to the proposed rezoning. After considerable discussion with the property owners, the committee is recommending retaining the existing B-6 zoning in the area with the exception of four residential lots that front on the 200 block of North Boundary Street. Mr. Reid moved to recommend rezoning four lots on North Boundary Street from B-6 General Business to R-6 Two Family Residential. The motion was seconded by Rodney Queen with all members voting AYE.

Wilson Road Study Committee-Phase 2 - Rodney Queen reported for the committee. The committee looked at the R-6A Multi-Family Residential area bounded by Wilson Road, Old Plank Road, Torrence Street and Locke Street. Three lots within this block have already been recommended for rezoning from R-6A to SFC Single Family Conservation. At the committee meeting, Mr. Queen pointed out the amount of vacant property and the lack of R-6A type development within this area. It appears that a vast majority of the structures are single family residential.

Mr. Queen moved to set a Courtesy Hearing for July 9 on rezoning the above-mentioned properties from R-6A to SFC. The motion was seconded by Jeff Smith, with all members voting AYE.

Mr. Smith then moved that a Courtesy Hearing for July 9 also be set for the following properties located in the same general area that the committee has been considering: R-6 to B-1 for property belonging to Salisbury High School, located north of Taylor Street with frontage on parts of South Caldwell, West Thomas, West Street and Wilson Road; R-6 to CU for property belonging to Hood Theological Seminary located off Old Plank Road and West Thomas Street; R-6A to R-6 for back corners of two properties at and next to Grace Street (rear yards of properties facing Locke Street); and R-6 to R-6A for the back corner of a property with frontage on Wilson Road. This motion was seconded by Sean Reid with all members voting AYE.

60-day time limitation on nonconforming signs that are abandoned, discontinued or obsolete – Sean Reid reported for the Legislative Committee. At the last Planning Board meeting, the Board rejected Committee 1's recommendation to keep the ordinance as it is which would retain the 60-day time period for nonconforming signs that are abandoned, discontinued or obsolete. Most of the members felt the 60-day time period was not long enough, and the chairman referred the matter to the Legislative Committee. The Legislative Committee reviewed information studied by Committee 1 as well as information provided by Mr. Leo Wallace at the last Planning Board meeting. The sign in question, Salisbury Mall Cinemas, is 210 square feet in an area that allows ground signs no larger than 35 square feet and 10 feet in height. Staff provided information gathered from 10 cities and towns in our immediate area. No city allows a sign as large as 210 square feet and no city allows special exceptions for certain commercial uses like theaters or cinemas. Mr. Reid commented that in enforcing the sign ordinance as presently written, we would not be keeping a business from reopening, but rather, we would be working toward bringing businesses in compliance with the existing sign ordinance. The committee also felt that property owners should be notified well in advance, at least by 30 days, that only so

much time is given to remove signs or bring them into compliance. That part appears in Section 9.09 of our Zoning Ordinance pertaining to abandoned, discontinued, or obsolete signs, but it is not quite as clear in Section 9.10 which deals with nonconforming signs. Committee members felt this should be clarified to let the owners of nonconforming signs know about this.

The Legislative Committee is recommending retaining the existing 60-day time limitation on nonconforming signs that are abandoned, discontinued, or obsolete. Sean Reid so moved. The motion was seconded by Lou Manning with Messrs. Reid, Manning and Elaine Stiller voting AYE. Messrs. Smith, Dula, Queen, Williams and Wilkes voted NAY. The motion was denied.

Sean Reid then moved to recommend changing the ordinance to allow for a 120-day time period for nonconforming signs that are abandoned, discontinued, or obsolete. The motion was seconded by Eldridge Williams with Messrs. Reid, Williams, Smith, Dula, Queen and Wilkes voting AYE and Lou Manning and Elaine Stiller voting NAY. The motion carried.

The Legislative Committee is also recommending that Section 9.10 be clarified to give at least 30-days notice to property owners of nonconforming signs that are abandoned, discontinued, or obsolete. Mr. Smith so moved. The motion was seconded by Sean Reid with all members voting AYE.

Downtown signage amendments – projecting signs, sidewalk (sandwich board) signs, and downtown pole displays – Harold Poole reported that the Legislative Committee had met with Randy Hemann, Executive Director of Downtown Salisbury, Inc., to discuss the proposals and to hear the reasoning behind some of the regulations DSI is requesting. Projecting signs are not currently allowed. However, it is felt with the proposed regulations that the newer-type projecting signs will better reflect the appropriate type design elements that should be an asset to the downtown. In addition to zoning regulations for projecting signs for those within the historic district overlay, it will be necessary for the Historic Preservation Commission to grant a certificate of appropriateness through meeting the criteria of its design guidelines for non-residential structures. Sidewalk signs are currently allowed, but with very few regulations. Additional requirements are being proposed. Downtown pole displays are allowed as a part of the downtown sign regulations. Some regulations are proposed to be changed which would make downtown pole displays more permissive.

Following discussion, Sean Reid moved to recommend that City Council consider the following changes. The motion was seconded by Rodney Queen, with all members voting AYE

Projecting Signs:

- (1) Sign shall be a permitted use
- (2) Sign shall be permitted in addition to other B-5 signs allowed
- (3) Sign shall be no larger than six (6) square feet
- (4) Sign shall be on the first floor of the facade
- (5) Sign shall be no less than seven (7) feet above the sidewalk, and no more than 15 feet or below the second floor window sash—whichever is more restrictive
- (6) Sign shall project no more than five (5) feet from the building facade or past the sidewalk line—whichever is more restrictive

- (7) Sign may be lighted, with external lighting attached to the building, sign, or mounting hardware
- (8) Signs shall not be plastic, back lit, or internally lit

Sidewalk Signs:

- (1) Sign shall be a permitted use
- (2) Sign shall be permitted in addition to other B-5 signs allowed
- (3) Any property, including those containing multiple businesses, may place only one (1) sign per street frontage
- (4) Any such sign shall not exceed eight (8) square feet in area
- (5) Any such sign shall not exceed four (4) feet in height
- (6) The width of the sign shall not exceed 2 ½ feet.
- (7) The sign shall be placed on the sidewalk directly in front of the associated use
- (8) The sign shall be placed on the sidewalk between four (4) and seven (7) feet from the curb, or within three (3) feet of the building wall
- (9) The sign shall provide for the following clearances:
 - (a) Five (5) feet of clear space for the passage of pedestrians between the sign and other obstacles such as signs, poles, street furniture, landscape islands, etc.
 - (b) Five (5) feet of clearance between the sign and any fire hydrant or crosswalk
 - (c) Ten (10) feet of clearance between the sign and intersections or driveways
- (10) No sign shall block visibility—vehicular or pedestrian—at any time
- (11) The sign shall be constructed of materials that present a finished appearance (e.g., rough cut plywood is not acceptable)
- (12) The sign shall not be lighted nor have any moving parts
- (13) The sign shall be displayed during business hours only

Downtown Pole Displays:

- (1) These signs shall be permitted as temporary signs
- (2) Pole displays shall be decorative, seasonal, or theme vertical pole banners
- (3) Individual pole displays shall be allowed a maximum of 180 days
- (4) City Council may allow for an extension of time of up to one year for pole displays, in celebration or recognition of special governmental anniversaries or events
- (5) There shall be no commercial advertising message associated with the pole displays, except for the name or logo of sponsors
- (6) The number shall be limited to no more than two (2) pole displays per pole
- (7) The number shall be limited to no more than eight (8) pole displays per block on each side of the street
- (8) The size shall be limited to no more than 25 square feet for each sign
- (9) The name or logo of the sponsor shall be limited to no more than 25 percent of the banner
- (10) The height shall be limited to no more than 25 feet above sidewalk level, and no less than 10 feet from the bottom of sign to the sidewalk
- (11) Pole displays shall not be illuminated

B-5 use study – Elaine Stiller reported for the committee. The committee is looking at possible alternatives of changing B-6 zoned areas to B-5. The work is just beginning, and the next meeting will consist of looking at what’s available in the different designations.

Planning 101 Committee – Sean Reid and Jerry Wilkes gave a brief report on a trip several Board members took to the Charlotte-Mecklenburg Planning 101 workshop.

OTHER BUSINESS

Harold Poole asked that the Board consider adopting the following statement:

Beginning with the July meeting, all matters going through the Technical Review Committee should be identified as having a unanimous vote or, if not, what the vote was. For matters that do not receive a unanimous vote, state reasons given at the meeting for voting to approve and to deny. Also, clearly identify those items that go beyond the basic requirements of our ordinance, and clearly state why the Planning Board should approve them.

On a motion by Sean Reid, seconded by Rodney Queen, with all members voting AYE, the statement was adopted.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary